

From: Mark Keckeis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 11:53am
Subject: Microsoft Settlement

Judge Kollar-Kotally;

I, like many people in the technology industry, am frustrated and concerned by the DOJ's Proposed Final Judgment in it's anti-trust case against Microsoft. Having found Microsoft to be a monopoly and to have acted in a predatory manner, the DOJ looks like it's about to let Microsoft off with little more than a slap on the wrist.

Why should Microsoft be above the law? The DOJ should do three things in order to ensure that the law is administered fairly:

1. Terminate Microsoft's illegal monopoly,
2. Deny to Microsoft the fruits of its past violations, and
3. Prevent any future anticompetitive activity.

I cant see that the PFJ does any of these things.

Judge Kollar-Kotally, I am not an attorney but I have been in the technology industry since 1982 working for a number of vendors including Data General (now a part of EMC), Apple Computer for 8 years, and four start-up software companies since 1996 including four years at Commerce One. I have personally observed Microsoft behavior both as a competitor and as a partner. They are everything that the original suit and verdict found them to be. It's a part of their culture. It's the way their best and brightest get ahead. The PFJ will exacerbate the behavior that made them a monopoly and created the suit in the first place.

Microsoft is not an innovator. They play the late entry game that their size affords them. By the way, they are not alone in this practice. All of the largest companies, Oracle, SAP and others do the same thing. It is possible for them because they have recognized brand, distribution and money. Three things that very few small, innovative companies have in quantities that allow them to compete head to head with these giants. The difference is that Microsoft is a MONOPOLY. By "bolting", It literally costs them nothing to take the ideas and concepts of much smaller companies and leverage two of these three powerful resources.

The innovation that has made the American economy the most prosperous on the planet is a fragile thing. It starts in small ways with concepts and ideas can become powerful when properly deployed in the marketplace. The PFJ will throttle and undermine the risk-takers who have been the source of so many of the ideas that will drive our industry - and the American economy -

forward.

Please, don't allow the PFJ to stand. Strike it down. The American economy will survive and thrive through a settlement that enforces the law.

Thanks for your consideration and best regards,

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